

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 190, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 16-18-2-137 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 137. (a) "Food
- 4 establishment", for purposes of IC 16-42-5 and IC 16-42-5.2, means
- 5 any building, room, basement, vehicle of transportation, cellar, or open
- 6 or enclosed area occupied or used for handling food.
- 7 (b) The term does not include the following:
- 8 (1) A dwelling where food is prepared on the premises by the
- 9 occupants, free of charge, for their consumption or for
- 10 consumption by their guests.
- 11 (2) A gathering of individuals at a venue of an organization
- 12 that is organized for educational purposes in a nonpublic
- 13 educational setting or for religious purposes, if:
- 14 (A) the individuals separately or jointly provide or

- 1 prepare, free of charge, and consume their own food or
2 that of others attending the gathering; and
3 **(B) the gathering is for a purpose of the organization.**
4 **Gatherings for the purpose of the organization include**
5 **funerals, wedding receptions, christenings, bar or bat**
6 **mitzvahs, baptisms, communions, and other events or**
7 **celebrations sponsored by the organization.**
8 **(3) A vehicle used to transport food solely for distribution to**
9 **the needy, either free of charge or for a nominal donation.**
10 **(4) A private gathering of individuals who separately or**
11 **jointly provide or prepare and consume their own food or**
12 **that of others attending the gathering, regardless of whether**
13 **the gathering is held on public or private property.**
14 **(5) Except for food prepared by a for-profit entity, a venue of**
15 **the sale of food prepared for the organization:**
16 **(A) that is organized for:**
17 **(i) religious purposes; or**
18 **(ii) educational purposes in a nonpublic educational**
19 **setting;**
20 **(B) that is exempt from taxation under Section 501 of the**
21 **Internal Revenue Code; and**
22 **(C) that offers the food for sale to the final consumer at an**
23 **event held for the benefit of the organization;**
24 **unless the food is being provided in a restaurant or a cafeteria**
25 **with an extensive menu of prepared foods.**
26 **(6) A nonprofit organization that:**
27 **(A) is organized for civic, fraternal, veterans, or charitable**
28 **purposes;**
29 **(B) is exempt from taxation under Section 501 of the**
30 **Internal Revenue Code; and**
31 **(C) offers food for sale to the final consumer at an event**
32 **held for the benefit of the organization;**
33 **if the events conducted by the organization take place for not**

1 **more than fifteen (15) days in a calendar year.**

2 SECTION 2. IC 16-42-5-4 IS REPEALED [EFFECTIVE JULY 1,
3 2007].

 (Reference is to SB 190 as printed January 26, 2007.)

and when so amended that said bill do pass.

Representative Brown C